

Chapter 14 - Special Provisions in Effect During Time of War or National Emergency

CONTENT

Special Appointment Authority During Time of War or National EmergencyPart 1

Cooperation with Military DepartmentsPart 2

Part 1– Special Appointment Authority During Time Of War or National Emergency

Section

Temporary Appointment or Advancement of NOAA Corps Officers During Time of War or National Emergency	14101
Suspension During Time of War or National Emergency	14102

Part 1 – Special Appointment Authority During Time of War or National Emergency

14101 TEMPORARY APPOINTMENT OR ADVANCEMENT OF NOAA CORPS OFFICERS IN TIME OF WAR OR NATIONAL EMERGENCY

- A. NOAA Corps officers shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency, [33 U.S.C. 3030(a)], subject to the following limitations:
- (1) A NOAA Corps officer in the service of a military department pursuant to 33 U.S.C. 3061 may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to a higher rank or grade. [33 U.S.C. 3030(b)(1)]
 - (2) A NOAA Corps officer may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of another NOAA Corps officer to the service and jurisdiction of a military department pursuant to 33 U.S.C. 3061. [33 U.S.C. 3030(b)(2)]
 - (3) Temporary appointments to fill vacancies caused by sections 1 or 2 above may be made in all grades to which original appointments in the NOAA Corps are authorized (Ensign, Lieutenant (junior grade) and Lieutenant), except that the number of NOAA Corps officers holding temporary appointments may not exceed the number of NOAA Corps officers transferred to a military department pursuant to 33 U.S.C. 3061. [33 U.S.C. 3030(b)(3)]

14102 SUSPENSION DURING TIME OF WAR OR NATIONAL EMERGENCY

- A. In time of emergency declared either by the President or Congress, or in time of war, the President may, at his discretion, suspend the operation of all or any part of the provisions of law pertaining to the promotion of commissioned officers in the NOAA Corps. [33 U.S.C. 3033]

Part 2 – Cooperation with Military Departments

Section

Transfers of Resources and NOAA Corp Officers During National Emergency	14201
Status of Transferred NOAA Corps Officers.....	14202
Relative Rank of NOAA Corps Officers When Serving With Army, Navy or Air Force.....	14203
Rules and Regulations When Cooperating with Military Departments.....	14204

Part 2 – Cooperation with Military Departments

14201 TRANSFERS OF RESOURCES AND NOAA CORPS OFFICERS DURING NATIONAL EMERGENCY

- A. The President may, whenever in the judgment of the President a sufficient national emergency exists, transfer to the service and jurisdiction of a military department such vessel (ships and aircraft), equipment, stations, and officers of the NOAA Corps as the President considers to be in the best interest of the country. [33 U.S.C. 3061(a)(1)]
- B. After any transfer of a NOAA Corps officer or resources pursuant to section A above, all expenses connected therewith shall be defrayed out of the appropriations for the department to which the transfer is made. [33 U.S.C. 3061(a)(2)]
- C. Vessels, equipment, stations, and NOAA Corps officers transferred to a military department pursuant to section A above, shall be returned to the NOAA Corps when, in the opinion of the President, the national emergency ceases. [33 U.S.C. 3061(a)(3)]

14202 STATUS OF TRANSFERRED NOAA CORPS OFFICERS

- A. A NOAA Corps officer transferred to a military department pursuant to NOAA Corps Directive (NCD) 14201A shall, while under the jurisdiction of a military department, have proper military status and shall be subject to the laws, regulations, and orders for the government of the Army, Navy, or Air Force, as the case may be, insofar as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law. [33 U.S.C. 3061(c)]

14203 RELATIVE RANK OF NOAA CORPS OFFICERS WHEN SERVING WITH ARMY, NAVY, OR AIR FORCE

- A. When serving with the Army, Navy, or Air Force, a NOAA Corps officer shall rank with and after officers of corresponding grade in the Army, Navy, or Air Force of the same length of service in grade. [33 U.S.C. 3062]

14204 RULES AND REGULATIONS WHEN COOPERATING WITH MILITARY DEPARTMENTS

- A. The Secretary of Defense and the Secretary of Commerce have jointly prescribed regulations governing the duties to be performed by the NOAA Corps in time of war and providing for the cooperation of the NOAA Corps with the military departments in time of peace in preparation for its duties in time of war. Those joint regulations appear in Appendix 14.1.